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Rail waste sites targeted

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By HEATHER KAYS
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Acting Gov. Richard J. Codey and Sen. Jon Corzine announced a two-track campaign to deal with unregulated railway waste transfer sites Monday.

Codey launched Operation Safety Net - a multiagency state level enforcement effort designed to crack down on sites like the one in the North Bergen Meadowlands, where a potentially deadly chemical was discovered earlier this month.

"We're going to harass the hell out of them," Codey said during the afternoon press conference at the Meadowlands Environment Center in Lyndhurst.

Codey said the state Department of Environmental Protection, Department of Community Affairs Division of Fire Safety, New Jersey State Police, and the Port Authority Police Department will be involved in inspecting and enforcing safety standards at the sites.

Operators of the unregulated waste sites, located along rail lines, have been using federal charters exempting railroads to evade state and local regulations. There are five such sites located within two miles of each other in North Bergen - all owned by New York, Susquehanna and Western Railway. There are several other solid waste transfer sites under construction or operation by several railroads in North Jersey, including one in Paterson and one in Passaic.

The sites, some of which are close to homes, have raised health, environmental and safety concerns. Thousands of pounds of phosphorus pentasulfide, a flammable chemical used in the production of lubricants and insecticides, were found at the NYS&W's North Bergen site. Though the chemical has since been removed, officials were concerned because the chemical can become explosive and produce poisonous gases when it's exposed to water.

The railway company maintains that state regulations do not apply because they are involved in interstate commerce under federal jurisdiction.

Codey acknowledged that state enforcement is not enough.

"We will do as much as the law allows us to protect New Jersey," he said. "But the state cannot close this federal loophole. This is not a problem New Jersey can solve by itself."

U.S. Sen. Jon Corzine, D-Hoboken, pledged that he and Sen. Frank R. Lautenberg would draft legislation closing the loophole under which railroads deny state and local oversight.

"This just has to stop," Corzine said to the room full of reporters and environmentalists. "This was never the intent of those who wrote the law."

Corzine said the proposed legislation would allow state and local government jurisdiction over solid waste transfer, giving them the power to regulate existing sites and stop new ones from popping up.

Alan C. Marcus, a spokesman for NYS&W Railway, called the Codey-Corzine efforts "nothing really all that new," since the railroad is already being harassed by the state, he said.

"The reason for the federal pre-emption is to ensure that local officials cannot interfere with our national railroad system," Marcus said. "Without a functioning rail system, all cargo will be shifted to trucks."

Marcus said the railroad would oppose the proposed legislation but continue to abide by federal regulations.

Codey, Corzine and half a dozen other state enforcement officials at the press conference promised to be tenacious in their fight against the unregulated sites.

"I don't care what federal loopholes are being exploited," Codey said. "I am not going to stand by and do nothing while these trash heaps take over our state."

Reach Heather Kays at |(973) 569-7157 or |kays@northjersey.com

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